

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NATIONAL CREDIT UNION) 1:15CV1606
ADMIN. BOARD,)
)
Plaintiff,)
) JUDGE JAMES S. GWIN
v.) (Mag. Judge David A. Ruiz)
)
JANKO NOVAK,)
)
Defendant.) REPORT AND
) <u>RECOMMENDATION</u>

RUIZ, MAG. J.

This action was referred to the undersigned, pursuant to General Order 2016-22. Presently pending before this court are plaintiff's Complaint and Motion for Partial Summary Judgment (R. 23).

Defendant Janko Novak filed a Notice indicating that, on May 27, 2016, he filed a petition for relief under Chapter 7 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the Northern District of Ohio. (R. 24.) Pursuant to 11 U.S.C. § 362, the filing of such a case under the Bankruptcy Code mandates a stay of the proceedings in this court.

Accordingly, it is the RECOMMENDATION of the undersigned that plaintiff's motion be denied without prejudice, that all further proceedings in this case be stayed, and that this case be closed, subject to reopening upon written motion of the plaintiff, or any other proper party in interest, after the bankruptcy

case is closed or dismissed, a discharge in bankruptcy is granted or denied, or there is granting of relief from the stay imposed by Section 362.

Dated: Nov. 30, 2016

/s/ David A. Ruiz
David A. Ruiz
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time WAIVES the right to appeal the District Court's order. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).